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Washington, DC 20004-1206



September 2, 2004

**Mail Stop RECONSTRUCTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SEP - 7 2004

Re: U.S. Patent Application No. 09/445,517  
Filed: December 6, 1999  
Title: **Methods for Treating Obesity**  
Applicants: Bradford J. DUFT *et al.*  
Atty. Docket: 18528.230

TECH CENTER 1600/2900

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Response to Notice Under 37 CFR § 1.251 - Pending Application;
2. an executed copy of the Notice Under 37 CFR 1.251 - Pending Application (Form PTO-2053-B);
3. a complete copy of Applicants' record; and
4. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter number 18528.230. A duplicate copy of this letter is enclosed.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)  
Milan M. Vinnola (Reg. No. 45,979)

Attachments



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bradford J. DUFT *et al.*

Appln. No.: 09/445,517

Filed: December 6, 1999

For: *Methods for Treating Obesity*

Art Unit: 1645

Examiner: S. Devi

Atty. Docket: 18528/230 / 235/013 US

Confirmation No.: 1018

SEP - 7 2004  
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**Response to Notice Under 37 CFR § 1.251 - Pending Application**

**Mail Stop RECONSTRUCTION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice under 37 CFR § 1.251 - Pending Application dated June 2, 2004, Applicants submit copies of correspondence between the U.S. Patent and Trademark office and Applicant as follows:

DATE	DESCRIPTION
6/2/2004	Notice Under 37 CFR 1.251 - Pending Application
6/1/2004	Content Information for 09/445517
4/5/2004	Request for Correction of Published Patent Application
UNDATED	Notice of Publication
10/30/2003	Notice of New or Revised Projected Publication Date
10/30/2003	Notice of Acceptance of Power of Attorney; Notice Regarding Change of Power of Attorney; Communication from the Examiner in Charge of Application - Holding of Abandonment dated January 8, 2003 has been withdrawn. Copy or original response filed January 24, 2003, has been made of record in the file. The application has been returned to pending status.
2/26/2003	Transmittal Letter; Revocation of Prior Power of Attorney; Appointment of New Attorneys of Record and Change of Correspondence Address
3/12/2003	Withdrawal of Abandonment
1/21/2003	Petition to Withdraw Holding of Abandonment with copies of Response previously filed on December 5, 2002.

1/8/2003	Notice of Abandonment
12/5/2002	Transmittal Letter; Fee Transmittal for FY 2003 (PTO/SB/17); Petition for a Three-Month Extension of Time; Declaration Under 37 C.F.R. § 1.131 with Attachments; Response
6/25/2002	Supplemental Information Disclosure Statement; Form PTO-1449; (2 References)
6/5/2002	Non-Final Office Action with Copies of (20) Cited References (excluding U.S. Patents and references previously cited)
4/10/2002	Supplemental Information Disclosure Statement; Form PTO-1449; (8 References)
12/28/2001	Statement Establishing Small Entity Status
10/22/2001	Transmittal Letter; Petition for a Three-Month Extension of Time; Supplemental Response to Office Action; Copy of Response to Office Action filed August 20, 2001; Declaration of Andrew A. Young with Attachments
8/20/2001	Transmittal Letter; Petition for a One-Month Extension of Time; Response to Office Action
6/4/2001	Transmittal Letter; Information Disclosure Statement; Form PTO-1449 (5 pages); Copies of the (62) Cited References (excluding U.S. Patents and references previously cited).
5/23/2001	Revocation and Grant of Power of Attorney and Change of Correspondence
4/20/2001	Non-Final Office Action with Copies of Cited References (8 References)
4/10/2001	Revocation and Grant of Power of Attorney and Change of Correspondence, including Appendix A
3/29/2001	Corrected Filing Receipt
3/13/2001	Revocation and Grant of Power of Attorney; Change of Correspondence Address and Attorney Docket Number
2/5/2001	Continued Prosecution Application Transmittal form; Petition for Three-Month Extension of Time
12/12/2000	Transmittal Letter; Revocation and Grant of Power of Attorney with Attached Appendix A; Change of Correspondence Address and Attorney Docket Number with Attached Appendix A
8/4/2000	Non-Final Office Action with Copies of (7) Cited References (excluding U.S. patents and previously cited references. <b>NOTE: A copy of "Exp. Opin. Ther. Patents 4(11): 1383-1384 (1994)" is not available in Applicants' record.</b> )
4/12/2000	Official Filing Receipt
3/24/2000	Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495
12/6/1999	Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371; Assignment Recordation Form Cover Sheet; Executed Assignment; Executed Declaration for Utility or Design Patent Application; Specification (52 pages)

The copies submitted with this reply are complete and accurate copies of Applicants' record of all of the correspondence between the Office and the Applicants for the above-identified application (except for U.S. patent documents), and Applicant is not aware of any correspondence between the Office and Applicants for the above-identified application that is not among Applicants' records.

Respectfully submitted,

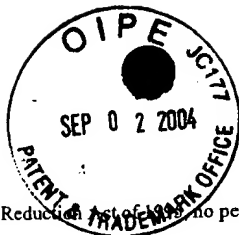
A handwritten signature in black ink, appearing to be "D R Marsh" followed by a flourish, likely representing both David R. Marsh and Milan M. Vinnola.

David R. Marsh (Reg. No. 41,408)  
Milan M. Vinnola (Reg. No. 45,979)

Date: September 2, 2004

ARNOLD & PORTER LLP  
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Do not Scan



Attn: Mary H. Shivers  
TC1600

PTO-2053-B (Rev. 10/03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of:

Bradford J. DUFT et al.

Application No.:

09/445,517

Filing Date:

December 6, 1999

Title:

METHODS FOR TREATING OBESITY

Direct to:

Mail Stop RECONSTRUCTION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

### NOTICE UNDER 37 CFR 1.251 - Pending Application

Statement (check the appropriate box):

☒ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Sept. 2, 2004

Date

David R. Marsh

Signature

David R. Marsh (Reg. No. 41,408)

Typed or printed name

**A copy of this notice should be returned with the reply.**

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.